

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

AUG 17 2006

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                      DEPUTY CLERK

FEDERAL TRADE COMMISSION,

Plaintiff,

VS.

CIVIL ACTION NO. SA-98-CA-629-FB

HOLD BILLING SERVICES, LTD., a  
Texas Limited Partnership; HBS, INC., a  
Texas Corporation; AVERY  
COMMUNICATIONS, INC., a Texas  
Corporation; VETERANS OF AMERICA  
ASSOCIATION, LTD., a Pennsylvania  
Corporation; THOMAS M. LYONS,  
Individually and as an Officer of HBS, INC.,  
KEITH C. CALIL, Individually and as  
Officer of Veterans of America Association,  
Ltd.; and MILFORD H. BALABAN,  
Individually and as an Officer of Veterans  
of America Association, Ltd.,

Defendants.

**ADVISORY AND ORDER CONCERNING ALLEGED VIOLATION  
OF PERMANENT INJUNCTION**

Before the Court is correspondence from a consumer in Bozeman, Montana, implicitly alleging possible violations of this Court's Permanent Injunction of September 22, 1999, based on a Stipulated Final Judgment between and among the parties. Ms. Concord's correspondence is attached hereto as Exhibit A.

The parties and counsel are ORDERED to review the matter to determine whether further action need be taken within this cause number or through other formal or informal procedures with Ms. Concord.

The Federal Trade Commission is also ORDERED to take reasonable steps to see that this Court's Permanent Injunction is not being violated with respect to other consumers.

The Clerk of Court is ORDERED to send a copy of this order to the following persons:

1. Ms. Judith Concord  
821 W. Mendenhall  
Bozeman, Montana 59715
2. Byron L. LeFlore, Jr., Esquire  
Argonaut Group, Inc.  
10101 Reunion Place #500  
San Antonio, Texas 78216
3. Craig Tregillus, Esquire  
Federal Trade Commission  
600 Pennsylvania Avenue NW, Room 238  
Washington, D.C. 20580

IT IS FURTHER ORDERED that counsel shall keep the Court apprised of the resolution of this matter.

It is so ORDERED.

SIGNED this 17 day of August, 2006.



FRED BIERY  
UNITED STATES DISTRICT JUDGE

July 25, 2006

SA 98CA 629

Mr. Michael Oakes  
Divisional Officer Manager  
US District Clerk's Office

Dear Mr. Oakes,

I don't have the information on the specific court or judge that handled this case. I have enclosed the first page of court and defendants so it might be easier for you to handle. This company is in violation of several permanent injunctions listed in this case in the state of Montana. I assume since this is a federal court, the injunctions apply to all states. Hold Billing Services put a long distance service on my business phone without any authorization and so far have not taken off all the charges. I would like to have the judge that handled the case be made aware of their continued operations. Could you send this enclosed letter to the proper judge? Thank you.

Respectfully,  
Manager  
The Sewing Shop  
Enclosure (2)

JEC

EXHIBIT "A"

United States District Judge  
Western District of Texas  
San Antonio District

Dear Sirs,

I am aware of the case brought against Hold Billing Company; CIVIL NO. SA-98-CA-0629-FB.

I reside in Bozeman, Montana but my complaint against Hold Billing is for this state. They have put a long distance service on my phone without my authorization. In May, when I found this service, I called the supposed server which was listed as SILV COMMUNICATIONS. The phone number listed was disconnected. I then called Hold Billing and demanded they remove the service. The charges were still on my phone in June and I called again. One service rep said they had a tape authorization and I demanded to listen to it. She said it took two weeks to order the tape and that they would and a supervisor would call me and review the tape with me. I ask again that the service be removed from my phone line.

No phone call about the tape was received by me in June.

In July the long distance charges were still on my phone bill. I called again to demand they be remove.

Since this was a Federal Court injunction, I am assuming that it serves for any state.

I am affirming that Hold Billing Company is in defiance of this injunction to stop putting long distance services on phones and charging for them without the authorization of the owner and refusing to remove charges and services when ask.

I am asking that this injunction be enforced in Montana and every other state and that the suspended judgment of 1,374,053.00 now be imposed.

I am asking also for damages for my business in the amount of \$500 for each month that I have been forced to try to deal with this situation.

Thank you for your attention,

Judith Concord for  
The Sewing Shop

EXHIBIT "A"

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO  
DIVISIONUNITED

STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION  
FEDERAL TRADE COMMISSION,  
Plaintiff,

v.

HOLD BILLING SERVICES, LTD.,  
a Texas limited partnership;  
HBS, INC.,  
a Texas corporation;  
AVERY COMMUNICATIONS, INC.,  
a Texas corporation;  
VETERANS OF AMERICA ASSOCIATION, LTD.,  
a Pennsylvania corporation;  
THOMAS M. LYONS, individually and as an officer of HBS, Inc.;  
KEITH C. CALIL, individually and  
as an officer of Veterans of America Association, Ltd.; and  
MILFORD H. BALABAN, individually and  
as an officer of Veterans of America Association, Ltd.,  
Defendants.

CIVIL NO. SA-98-CA-0629-FB

STIPULATED FINAL JUDGMENT AND ORDER FOR PERMANENT INJUNCTION AND  
CONSUMER

REDRESS AS TO DEFENDANTS HOLD BILLING SERVICES, LTD., HBS, INC., AVERY  
COMMUNICATIONS, INC. AND THOMAS M. LYONS

Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), has filed  
its complaint for permanent injunction and other relief pursuant to §  
13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b),  
charging Defendants Hold Billing Services, Ltd., HBS, Inc., Avery  
Communications, Inc. and Thomas M. Lyons with violating Section 5 of the  
FTC Act, 15 U.S.C. § 45.

The parties have agreed to the entry of this Stipulated Final Judgment and  
Order for Permanent Injunction and Consumer Redress ("Order") by this  
Court to resolve all matters of dispute between them in this action.

NOW, THEREFORE, Plaintiff Federal Trade Commission and Defendants Hold  
Billing Services, Ltd., HBS, Inc., Avery Communications, Inc. and Thomas  
M. Lyons having requested the Court to enter this Order,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:  
FINDINGS

1. This Court has jurisdiction of the subject matter of this case and of  
the parties consenting hereto.
2. Venue is proper as to all parties in the Western District of Texas.
3. The activities of Defendants are in or affecting commerce, as defined  
in the FTC Act,  
15 U.S.C. § 44.
4. The Complaint states a claim upon which relief may be granted against  
Defendants under Section 5 of the FTC Act, 15 U.S.C. § 45(a).
5. Defendants have waived all rights that may arise under the Equal Access  
to Justice Act, 28 U.S.C. § 2412, amended by Pub. L. 104-121, 110 Stat.  
847, 863-64 (1996).
6. This Order does not constitute an admission by Defendants that they  
have engaged in violations of the FTC Act.
7. Nothing in this Order shall be construed as relieving Defendants of any  
obligations they may have under any other rule or law enforced by the FTC

EXHIBIT "A"